

MEMORANDUM OF UNDERSTANDING
BETWEEN
ARMSTRONG COUNTY, TEXAS
AND
THE UNITED STATES DEPARTMENT OF ENERGY

This Memorandum of Understanding (hereinafter called "MOU") is between the Armstrong County, Texas and the United States of America acting through the United States Department of Energy, Pantex Site Office (hereinafter called "DOE" or "Pantex").

I. INTRODUCTION

- A. **BACKGROUND.** Both parties have a mutual interest and responsibility for emergency planning, preparedness, and response to protect people, property, and the environment and to minimize the consequences of emergencies.
- B. **PURPOSE.** The purpose of this MOU is to recognize the need for cooperation on emergency matters of mutual concern and to facilitate the development of joint plans and procedures for coordinated responses to such emergency situations.
- C. **AUTHORITY.**
1. DOE. The DOE's authority for entering into this MOU is Section 161(f) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2201(f)), and section 646 (a) of the Department of Energy organization act (42 U.S.C.A. 7256 (a).)
 2. The authorities for Armstrong County entering into this MOU are:
 - a. Texas Disaster Act of 1975, 64th Legislature, Article 6889-7, Vernon's Texas Civil Statutes, as amended,
 - b. Executive Order of the Governor,
 - c. Federal Civil Defense Act of 1950, as amended, (Public Law 920, 81st U.S. Congress),
 - d. Disaster Relief Act of 1974, as amended. (Public Law 93-288, 93rd U.S. Congress).

B. GUIDELINES

1. Plans and Procedures. Both parties will coordinate with each other on their respective emergency plans and procedures. Such plans and procedures will specify the emergency planning and coordination interfaces between Armstrong County and Pantex, and will include, but not be limited to, the assigned emergency responsibilities within each organization, together with a description of its emergency response resources and communications capabilities.
2. Exercises, Drills and Training. The parties will support and participate in joint exercises, drills, and training sessions to: (1) develop and maintain in high state of readiness for coordinated responses to emergency situations that are of mutual concern; and, (2) exercise and test joint emergency plans and procedures.
3. Emergency Response
 - a. In the event of an emergency incident involving the activation of the Pantex EOC, the DOE may dispatch emergency response liaison personnel to Armstrong County, Texas EOC or to an area command center consistent with National Incident Management System (NIMS) organizational structure.
 - b. In the event of an emergency incident in Armstrong County, Texas involving possible radiological hazards, the DOE may, upon request, dispatch emergency response liaison personnel to Armstrong County, Texas EOC and may, upon request, respond with available personnel and equipment to provide radiological assistance.
 - c. In the event of an emergency incident in Armstrong County, Texas, the DOE may, upon request, provide technical assistance to Armstrong County, Texas, and may, upon request, respond with available personnel and equipment, as appropriate.

- C. PROGRAM FUNDING. The details of the levels of support to be furnished one organization by the other will be subject to the availability of funds. This MOU shall not be used to obligate or commit funds or as the basis for the transfer of funds.

III. ADMINISTRATION

- A. Public Information Coordination. Subject to the Freedom of Information Act (5 U.S.C. 552), decisions on disclosure of information to the public regarding projects and programs referenced in this MOU shall be made by DOE following consultation with the Armstrong County's representatives, recognizing that Armstrong County is subject to the Texas Open Records Act (Chapter 551 Texas Government Code), which will allow disclosure of this document and possibly other documents, which releases are not otherwise prohibited by the Freedom of Information Act or Federal national security laws or regulations. All releases of documents by Armstrong County will be coordinated with DOE and pursuant to the limitations of this clause.
- B. SECURITY. Nothing in this MOU authorizes access to or disclosure of classified information required to be protected in accordance with Federal law or regulation in the interest of national security. Armstrong County agrees to comply with, and to assure that all of its personnel participating in any exercise hereunder at Pantex comply with, all applicable security regulations and requirements of the DOE pertaining to their conduct while on Pantex property.
- C. AMENDMENT AND TERMINATION. This MOU may be amended by written agreement between DOE and Armstrong County, Texas. This MOU may be terminated by the mutual written notice to the other party.
- D. EFFECTIVE DATE. This MOU shall become effective upon the latter date of signature of the parties. It shall remain in effect for a 5-year term from the effective date.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Understanding on the respective dates indicated.

UNITED STATES OF AMERICA
U.S. DEPARTMENT OF ENERGY

ARMSTRONG COUNTY, TEXAS

BY: [Signature] /S/

BY: [Signature] /S/

C. /see
Steven E. Erhart (Typed)

Hugh Reed (Typed)

TITLE: Pantex Site Office Manager

TITLE: County Judge

DATE: 6/26/08

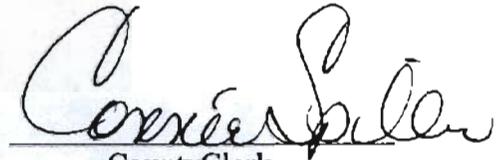
DATE: 9 June 2008

CERTIFICATION

I, Connie Spiller, certify that I am the County Clerk of
(Title)

Armstrong County, Texas; that Hugh Reed who signed this Memorandum of
Understanding on behalf of Armstrong County, Texas, was then the County Judge of
(Official Title)

Armstrong County, Texas; that this Memorandum of Understanding was duly signed for
and on behalf of Armstrong County, Texas by authority of its governing body and is
within the scope of its legal powers. In witness whereof, I have hereunto affixed my hand
and the seal of Armstrong County, Texas.


County Clerk

(SEAL)